

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

**ROBERT JEFFERY,** )  
                                )  
                                )  
**Plaintiff,**              )  
                                )  
                                )  
**vs.**                         ) **Civil Action No.**  
**JOHN C. HEATH, ATTORNEY AT LAW,** )  
**PLLC d/b/a LEXINGTON LAW FIRM,** )  
                                )  
**Defendant.**                )

**DEFENDANT'S NOTICE OF REMOVAL**

TO: The United States District Court for the Southern District of Georgia, Savannah Division and All Counsel of Record

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446(a) and (b), the Defendant hereby removes this case to the United States District Court for the Southern District of Georgia, Savannah Division based on the following grounds:

1. This action is removable to the United States District Court under 28 U.S.C. §§ 1331 and 1441 on the grounds of federal question jurisdiction, in that the complaint purports to allege a cause of action under the Telephone Consumer Protection Act, 47 U.S.C. §227, *et seq.*; See *Mims v. Arrow Financial Services, LLC*, 565 U.S. 368 (2012).

2. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days after Defendants' receipt of the initial pleadings setting forth the claim for relief upon which this action is based.

3. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit "A" are copies of all documents, which are all the process, pleadings and orders received by one or more Defendants in this action. Upon information and belief, these documents comprise all the process, pleadings and orders filed or served in the Superior Court Action.

4. Upon receipt of this Notice, no further action shall be taken in the State Court of Chatham County, State of Georgia.

5. By filing this Notice of Removal, the Defendants demonstrate their consent to the removal of the case to this Court.

This 17<sup>th</sup> day of February, 2017.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

*/s/ Kirby G. Mason*

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Kirby G. Mason  
Georgia Bar No. 302310

Attorneys for Defendant

200 E. Saint Julian Street  
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Savannah, GA 31412-0048  
(912) 236-0261

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                                )  
**Defendant.**                 )

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of **Defendant's Notice of Removal** upon all parties to this matter by using the CM/ECF system which will send a notice of electronic filing to the following:

James M. Feagle  
Cliff Dorsen  
Skaar & Feagle, LLP  
2374 Main Street, Suite B  
Tucker, Georgia 30084

Justin T. Holcombe  
Kris Skaar  
Skaar & Feagle, LLP  
133 Mirramont Lake Drive  
Woodstock, Georgia 30189

This 17<sup>th</sup> day of February, 2017.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

*/s/ Kirby G. Mason*  
\_\_\_\_\_  
Kirby G. Mason  
Georgia Bar No. 302310

Attorney for Defendant

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